

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: MARK JENKINS  
Serial No.:  
Filed:  
For: CONCRETE WASHOUT CONTAINER  
Group:  
Examiner:  
Docket No.: ELK5406.01A1

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22213-1450**

**INFORMATION DISCLOSURE STATEMENT**

**List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ FORM PTO/SB/08A
3. ☐ Statement As To Information Material To Examination Not Found In Patents Or Publications
4. ☐ Identification Of Prior Application In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Publications and Foreign Patents Accompanying This Statement
7. ☒ Concise Explanation of Non-English Language Listed Information Items
8. ☒ Translation(s) of Non-English Language Documents
9. ☒ Signature of Attorney

## **Section 1. Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 2.      Form PTO/SB/08A (substitute for Form 1449)**

**FORM PTO/SB/08A IS BEING SUBMITTED HERewith IN   1   PAGE(S).**

**Section 3. Statement As To Information Material To Examination Not Found In Patents Or Publications (Information not listed in PTO-1449)**

**Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted**

Note: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 CFR 1.98(d).

WARNING: While a copy of a non-English language item of information need not be submitted if it was previously submitted to or cited by the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

**THIS APPLICATION RELIES, UNDER 35 U.S.C. § 120, ON THE EARLIER FILING DATE OF PRIOR APPLICATION \_\_\_\_\_ FILED ON \_\_\_\_\_. THE REFERENCES SHOWN IN THE FORM PTO/SB/08A WERE SUBMITTED TO AND/OR CITED BY THE OFFICE IN THIS PRIOR APPLICATION AND, THEREFORE, ARE NOT REQUIRED TO BE PROVIDED IN THIS APPLICATION.**

**Section 5. Cumulative Patents or Publications**

NOTE: "When the disclosure of two or more patents or publications listed in an information disclosure statement are substantially cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications provided that a statement is made that these other patents or publications are cumulative." 37 CFR 1.98(c).

**STATEMENT**

\_\_\_\_\_ is cumulative of the following patents or publications listed on Form PTO-1449  
(modified):

In accordance with 37 CFR 1.98(c) a copy of only \_\_\_\_\_ is being submitted with this information disclosure statement.

**Section 6. Copies of Listed Information Items Accompanying This Statement**

Legible copies of all items listed accompany this information disclosure statement are enclosed, except for U.S. patents and published applications, and except as indicated below:

\_\_\_ **Exception(s) to above**

\_\_\_ **Items in prior application from which an earlier filing date is claimed for this application as identified in Section 4.**

\_\_\_ **Cumulative patents or publications identified in Section 5.**

## Section 7. Concise Explanation of Non-English Language Listed Information Items

- NOTE: "A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the information of each patent, publication, or other information listed that is not in the English language shall be included in any information disclosure statement filed under § 1.97. "The concise explanation may be either separate from the specification or incorporated therein." 37 CFR 1.98(a)(3).
- NOTE: "[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.
- NOTE: "Where the information listed is not in the English language, but was cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by submitting an English language version of the search report." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.
- NOTE: "The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office." Notice of January 9, 1992, 1136 O.G. 13-25, at 20.
- WARNING: "The requirement in §1.98(a)(3) for a concise explanation of non-English information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application." Notice of January 9, 1992, 1136 O.G. 13-25, at 20 (emphasis added).

JAPANESE NO. 2-27280 SHOWS A VEHICLE WITH A REAR CONTAINER HAVING A RAMP ASSEMBLY THAT IS MOVEABLE FROM AN ANGLED POSITION TO A HORIZONTAL POSITION.



## Section 8. Translation(s) of Non-English Language Documents

NOTE: "If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation shall accompany the statement." 37 CFR 1.98(c).

NOTE: "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not English and the that Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English-language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements of a concise explanation in § 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

  X   No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

       The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

       Submitted herewith is an English language translation of the following foreign patents, publications or information or of those portions of those patents, publications or information considered to be material:

**Section 9.      Signature of Attorney**

Dated:

8/6/2007

  
SIGNATURE OF ATTORNEY

John P. O'Banion, Reg. No. 33,201  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010

**CERTIFICATION UNDER 37 CFR 1.10**

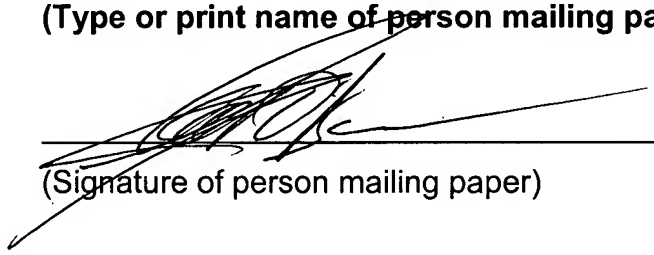
I hereby certify that the foregoing:

**Information Disclosure Statement**

is being deposited with the United States Postal Service on 06 FEBRUARY 2004  
in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number  
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JOHN P. O'BANION

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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Mark Jenkins
Art Unit	
Examiner Name	
Attorney Docket Number	ELK5406.01A1

Sheet	1	of	1
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## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		JP 2-127280	05/15/1990	Unknown		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the foregoing:

Information Disclosure Statement by Applicant (PTO/SB/08A)

is being deposited with the United States Postal Service on 06 FEBRUARY 2004  
in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number  
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Alexandria, VA 22313-1450.

JOHN P. O'BANION

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(Signature of person mailing paper)